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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,979	02/25/2004	David Yach	30889-2003	8976
33721	7590	09/21/2006	EXAMINER LIN, SHEW FEN	
TORYS LLP 79 WELLINGTON ST. WEST SUITE 3000 TORONTO, ON M5K 1N2 CANADA			ART UNIT 2166	PAPER NUMBER

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/784,979	Applicant(s) YACH ET AL.	
	Examiner Shew-Fen Lin	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/25/2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/16/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- a. This action is responsive to communications: application filed on 2/25/2004.
- b. Claims 1-20 are pending in this Office Action. Claims 1, 11, 12, and 20 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-20 rejected under 35 U.S.C. 102(e) as being anticipated by Na et al. (US Patent 7,092,925, hereinafter referred as Na).

As to claim 1, Na discloses an electronic device (column 1, lines 9-10) comprising: at least one output device for emitting a plurality of different signals (sound, light, vibration, Figure 5, column 1, lines 31-34, column 4, lines 61-64); and, a microcomputer (Figures 7 and 8) for processing a first event (prerecorded schedule, column 3, lines 48-53) and a second event (incoming call or message, column 3, lines 29-35) such that when said second event occurs during said first event (receive call/message during scheduled event, Figures 2, 3, column 3, lines 54-62) said microcomputer derives a notification mode based on at least one criterion associated

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with at least one of said events (based on scheduled event determine can user be alerted and how to alert, Figure 2, items 26, 28, 30, column 4, lines 65-67, column 5, lines 1-13) and instructs said output device to emit one of said signals according to said notification mode (Figure 5, column4, lines 61-64, column 5, lines 17-23).

As to claim 2, Na discloses the electronic device of claim 1 wherein said device is selected from the group consisting of a wireless personal digital assistant, a personal computer, a cell telephone, and a smart telephone (intelligent portable device, cell phone, column 1, lines 9-10, lines 52-53).

As to claim 3, Na discloses the electronic device of claim 1 wherein said signals are selected from the group consisting of audible (Figure 5, item 102), mechanical (Figure 5, item 106) and visual signals (Figure 5, item 108).

As to claim 4, Na discloses the electronic device of claim 1 wherein said first event is an appointment associated with said notification mode (column 3, lines 7-18).

As to claim 5, Na discloses the electronic device of claim 4 wherein said second event is a receipt of an electronic message (Figure 3, item 42, column 3, lines 29-35) and said signal identifies said receipt (Figure 2, items 28, 30).

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As to claim 6, Na discloses the electronic device of claim 4 wherein said second event is a daily alarm and said signal identifies said alarm (internal alarm, column 3, lines 41-43).

As to claim 7, Na discloses the electronic device of claim 4 wherein said electronic device includes functionality of a telephone (column 1, lines 9-10) and said second event is a receipt of a telephone call (Figure 3, item 40, column 3, lines 29-30).

As to claim 8, Na discloses the electronic device of claim 1 wherein said notification mode is automatically selected based on a predefined string of characters included in said first event (select mode based on if calling number matching with number in the prerecorded schedule, Figure 6, items 120,122, column 6, lines 1-14).

As to claim 10, Na discloses the method of claim 1 wherein said output devices include a flashing LED output device for emitting a visual signal (alert by light, Figure 5, item 108) and a speaker for emitting an audible signal (alert by sound, Figure 5, item 102).

As to claim 11, Na discloses an electronic device (column 1, lines 9-10) comprising: at least one output device for emitting a plurality of different signals (sound, light, vibration, Figure 5, column 1, lines 31-34, column 4, lines 61-64); and, a microcomputer (Figures 7 and 8) operable to maintain a calendar appointment (receiving and storing user schedule, column 2, lines 9-12, column 3, lines 7-10) and operable to receive an electronic message (Figure 3, item 42, column 3, lines 29-35) such that when said electronic message is received during said

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calendar appointment (receive call/message during scheduled event, Figures 2, 3, column 3, lines 54-62) said microcomputer derives a notification mode associated with said calendar appointment (based on scheduled event determine can user be alerted and how to alert, Figure 2, items 26, 28, 30, column 4, lines 65-67, column 5, lines 1-13) and instructs said output device to emit one of said signals according to said notification mode (Figure 5, column 4, lines 61-64, column 5, lines 17-23).

As to claim 12, is directed to a method for performing the functions of claim 1 and is rejected along the same rationale.

As to claim 13, is directed to a method for performing the functions of claim 2 and is rejected along the same rationale.

As to claim 14, is directed to a method for performing the functions of claim 3 and is rejected along the same rationale.

As to claim 15, is directed to a method for performing the functions of claim 4 and is rejected along the same rationale.

As to claim 16, is directed to a method for performing the functions of claim 5 and is rejected along the same rationale.

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As to claim 17, is directed to a method for performing the functions of claim 6 and is rejected along the same rationale.

As to claim 18, is directed to a method for performing the functions of claim 7 and is rejected along the same rationale.

As to claim 19, is directed to a method for performing the functions of claim 8 and is rejected along the same rationale.

As to claim 20, is directed to a computer readable medium carrying instructions for performing the functions of claim 1 and is rejected along the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Na as applied to claim 1 above, and further in view of Heinonen et al. (US Patent 6,035,295, hereinafter referred as Heinonen).

As to claim 9, Na discloses the electronic device of claim 1 wherein said events occur in different applications stored on said device (call, message, schedule, Figure 3, items 40, 42, Figure 2, item 20) and wherein said notification mode (based on prerecorded schedule, Figure 2, item 24) for each said application. However, Na does not explicitly disclose said notification mode is based on a plurality of profiles configurable for each said application.

Heinonen discloses a profile manager controls access to an operational mode database that contains the operation modes for the mobile device (Figure 1, items 8, 10, column 5, lines 1-3). Profile manager communicate with application based on operation mode and parameter setting that are customized for the application (column 4, lines 41-50, column 5, lines 11-22). Therefore, user may configuration different applications with the user's own parameter values, for example, sound configuration in different operation mode (column 6, lines 58-67).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Na's disclosure to include notification mode basing on a plurality of profiles configurable for each said application as taught by Heinonen for the purpose of obtaining different operation parameters (like ring tone, ring volume, silence setting) for different operation mode (column 1, lines 51-64, Heinonen). The skilled artisan would have been motivated to improve the invention of Na per the above such that notification mode can be further customized based on the profile associated with the application (column 6, lines 21-42, Heinonen).

Related Prior Arts

The following list of prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Moon; Billy G. et al., US 6418309 B1, , “Apparatus and method for configuring settings of a portable intelligent communications device during a meeting”
- Rydbeck; Nils Rutger Carl, US 6574471 B1, “Apparatus and method for handling incoming calls received by a portable intelligent communications device during a meeting”
- Cronin; Thomas M., US 6999731 B2, “Control of an alert mechanism by communication of an event-associated command”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shew-Fen Lin
Patent Examiner

SFL

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September 14, 2006


MOHAMMAD ALI
PRIMARY EXAMINER